IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.347 OF 2006
IN
ARBITRATION PETITION NO.42 OF 2004

M/s.Peacock Industries Ltd. ..Appellant.
(Orig.Petitioner)

Vs.

M/s.Lexicon Finance Ltd. ..Respondent.
(Orig.Respondent.)

Mr.Niranjan Lapasiya i/b.M/s.Niranjan & Co. for the Appellant.

Mr.H.N.Thakore i/b.M/s.Thakore Jariwala & Associates for the Respondent.

CORAM: DR.S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.
DATED: 25TH JULY, 2006

P.C. :

Heard the learned counsel for the Appellant and the learned counsel for the Respondent. Appeal is admitted. The learned counsel for Respondent waives service. By consent, taken up for final hearing.

2. By this Appeal, the Appellant is challenging the order dated 3.8.2005 passed by the learned Single Judge. We have also perused the earlier order of the learned Single Judge dated 18.1.2005.

3. After hearing the parties for some time, both the

parties are agreeable for setting aside of the order dated 18.8.2005 by consent. They also stated that no reasons need to be recorded.

4. Having regard to the facts and circumstances of the case, the impugned order dated 3.8.2005 stands set aside. The learned counsel for the Appellant undertakes on behalf of the Appellant that the Appellant and the Appellant's Advocate will personally remain present on the date that will be fixed by the learned arbitrator, failing which the learned arbitrator is at liberty to proceed further.

5. The Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)